

**BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
FOR THE CEMETERY AND FUNERAL BUREAU  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues  
Against:

**JEANNIE TINGLEW**

Respondent.


Case No. A1 2017 354

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of Consumer Affairs and the Cemetery and Funeral Bureau as the Decision and Order in the above entitled matter.

This Decision shall become effective on August 10, 2018.

It is so ORDERED July 11, 2018.

  
\_\_\_\_\_  
RYAN MARCROFT  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 XAVIER BECERRA  
Attorney General of California  
2 CHAR SACHSON  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE CEMETERY AND FUNERAL BUREAU**  
**STATE OF CALIFORNIA**

10  
11 In the Matter of the Statement of Issues  
12 Against:

13 **JEANNIE TINGLEW**

14 Respondent.

Case No. A1 2017 354

15  
16  
17 **STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Lisa M. Moore (Complainant) is the Bureau Chief of the Cemetery and Funeral  
21 Bureau (Bureau). She brought this action solely in her official capacity and is represented in this  
22 matter by Xavier Becerra, Attorney General of the State of California, by Jonathan D. Cooper,  
23 Deputy Attorney General.

24 2. Respondent Jeannie TingLew (Respondent) is representing herself in this proceeding  
25 and has chosen not to exercise her right to be represented by counsel.

26 3. On or about October 2, 2017, the Cemetery and Funeral Bureau received an  
27 application for a Cemetery Salesperson License from Jeannie TingLew. On or about October 2,  
28 2017, Jeannie TingLew certified under penalty of perjury to the truthfulness of all statements,

1 answers, and representations in the application. The Bureau denied the application on December  
2 1, 2017.

### 3 JURISDICTION

4 4. Statement of Issues No. A1 2017 354 was filed before the Director, and is currently  
5 pending against Respondent. The Statement of Issues and all other statutorily required  
6 documents were properly served on Respondent on May 16, 2018. A copy of Statement of Issues  
7 No. A1 2017 354 is attached as exhibit A and incorporated herein by reference.

### 8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, and understands the charges and allegations in  
10 Statement of Issues No. A1 2017 354. Respondent has also carefully read, and understands the  
11 effects of this Stipulated Settlement and Disciplinary Order.

12 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
13 hearing on the charges and allegations in the Statement of Issues; the right to be represented by  
14 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the  
15 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas  
16 to compel the attendance of witnesses and the production of documents; the right to  
17 reconsideration and court review of an adverse decision; and all other rights accorded by the  
18 California Administrative Procedure Act and other applicable laws.

19 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
20 every right set forth above.

### 21 CULPABILITY

22 8. Respondent admits the truth of each and every charge and allegation in Statement of  
23 Issues No. A1 2017 354.

24 9. Respondent agrees that her application is subject to denial and she agrees to be bound  
25 by the Director's probationary terms as set forth in the Disciplinary Order below.

### 26 CONTINGENCY

27 10. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
28 the Director's designee. Respondent understands and agrees that counsel for Complainant and the

1 staff of the Cemetery and Funeral Bureau may communicate directly with the Director and staff  
2 of the Department of Consumer Affairs regarding this stipulation and settlement, without notice  
3 to or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
4 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the  
5 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision  
6 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except  
7 for this paragraph, it shall be inadmissible in any legal action between the parties, and the  
8 Director shall not be disqualified from further action by having considered this matter.

9 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
10 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
11 signatures thereto, shall have the same force and effect as the originals.

12 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
15 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
16 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
17 writing executed by an authorized representative of each of the parties.

18 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
19 the Director may, without further notice or formal proceeding, issue and enter the following  
20 Disciplinary Order:

### 21 **DISCIPLINARY ORDER**

22 The application of Respondent Jeannie TingLew for a California Cemetery Salesperson  
23 License is hereby approved. A Cemetery Salesperson License will be issued to the Respondent  
24 and immediately revoked. The revocation will be stayed and the Respondent is placed on three  
25 (3) years of probation on the following terms and conditions:

26 1. **Obey All Laws.** Respondent shall comply with all conditions of probation and obey  
27 all federal, state, and local laws, and all rules and regulations governing the programs regulated  
28 by the Bureau.

1           2.     **Quarterly Reports.** Respondent shall submit quarterly declarations under penalty of  
2 perjury, in a format designated by the Bureau, stating whether or not Respondent has been in  
3 compliance with all the conditions of probation. Respondent shall also submit such additional  
4 written reports and verifications of actions requested by the Bureau. Should the final probation  
5 report not be made as directed, the period of probation shall be extended until such time as the  
6 final report is made.

7           3.     **Interview with Bureau Representative.** As necessary, Respondent shall appear in  
8 person for scheduled interviews with the Bureau Chief or other designated representative for the  
9 purpose of monitoring compliance with the terms of this decision.

10          4.     **Out-of-State Residence or Operation.** Should Respondent leave California to  
11 reside or operate outside this state, Respondent must notify the Bureau in writing of the dates of  
12 departure and return. Reporting in person may be waived if the Respondent moves out of the  
13 state. However, Respondent shall continue compliance with other terms of probation to retain  
14 California licensure. Periods of residency, business operation or employment outside California  
15 shall not reduce the probationary period.

16          5.     **Completion of Probation.** Upon successful completion of probation, Respondent's  
17 license will be fully restored.

18          6.     **Violation of Probation.** Should Respondent violate probation in any respect, the  
19 Director of the Department of Consumer Affairs, after giving Respondent notice and an  
20 opportunity to be heard, may revoke probation and carry out the disciplinary order which was  
21 stayed. If an Accusation or Petition to Revoke Probation is filed against Respondent during  
22 probation, the Bureau shall have continuing jurisdiction until the matter is final, and the probation  
23 shall be extended until the matter is final.

24          7.     **License Issued During Probation.** Any license or registration issued to Respondent  
25 by the Bureau during the period of probation shall be issued as a probationary license or  
26 registration and is subject to all the terms and conditions set forth herein. Respondent must  
27 comply with terms and conditions herein and demonstrate no cause for disciplinary action or  
28 denial of an application.

8. **Ethics.** Within 30 days of the effective date of this decision, Respondent shall submit for prior Bureau approval a course of ethics which will be completed within the first year of probation.

## ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my application. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED:

6/22/18 Kenneth F. Ingold  
KENNETH F. INGOLD

**JEANNIE TINGLEY**  
*Respondent*

## ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated:

~~6/22/18~~  
6/23/18

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
CHAR SACHSON  
Supervising Deputy Attorney General

**JONATHAN D. COOPER**  
Deputy Attorney General  
*Attorneys for Complainant*

## **Exhibit A**

**Statement of Issues No. A1 2017 354**

1 XAVIER BECERRA  
Attorney General of California  
2 CHAR SACHSON  
Supervising Deputy Attorney General  
3 JONATHAN D. COOPER  
Deputy Attorney General  
4 State Bar No. 141461  
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8 **BEFORE THE**  
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9 **FOR THE CEMETERY AND FUNERAL BUREAU**  
**STATE OF CALIFORNIA**

10  
11 In the Matter of the Statement of Issues  
Against:

Case No. A1 2017 354

12 **JEANNIE TINGLEW**

**STATEMENT OF ISSUES**

13  
14 Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Lisa M. Moore (Complainant) brings this Statement of Issues solely in her official  
18 capacity as the Bureau Chief of the Cemetery and Funeral Bureau, Department of Consumer  
19 Affairs.

20 2. On or about October 2, 2017, the Cemetery and Funeral Bureau received an  
21 application for a Cemetery Salesperson license from Jeannie TingLew (Respondent). On or about  
22 October 2, 2017, Jeannie TingLew certified under penalty of perjury to the truthfulness of all  
23 statements, answers, and representations in the application. The Bureau denied the application on  
24 December 1, 2017.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Director of Consumer Affairs  
27 (Director) for the Cemetery and Funeral Bureau, under the authority of the following laws. All  
28 section references are to the Business and Professions Code unless otherwise indicated.



## STATUTES AND REGULATIONS

4. Section 480 of the Code states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

5. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

1 (b) Notwithstanding any other provision of law, a board may exercise any authority to  
2 discipline a licensee for conviction of a crime that is independent of the authority granted under  
3 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
4 of the business or profession for which the licensee's license was issued.

5 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
6 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
7 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
8 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
9 made suspending the imposition of sentence, irrespective of a subsequent order under the  
10 provisions of Section 1203.4 of the Penal Code.

11 (d) The Legislature hereby finds and declares that the application of this section has been  
12 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th  
13 554, and that the holding in that case has placed a significant number of statutes and regulations  
14 in question, resulting in potential harm to the consumers of California from licensees who have  
15 been convicted of crimes. Therefore, the Legislature finds and declares that this section  
16 establishes an independent basis for a board to impose discipline upon a licensee, and that the  
17 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular Session do not  
18 constitute a change to, but rather are declaratory of, existing law.

19 6. Section 7611.3 of the Code states:

20 A cemetery salesperson is a natural person who, other than in reference to an occasional  
21 sale, is employed by a cemetery broker to sell, or offer for sale, list or offer to list, or to buy, or to  
22 offer to buy, or to lease, or offer to lease, or to solicit, or to negotiate the purchase or sale or lease  
23 or exchange of cemetery property or interment services, or any interest therein, for his or her own  
24 account or for another.

25 7. Section 7611.7 of the Code states:

26 "Cemetery licensee" means any cemetery broker, cemetery salesperson, or cemetery  
27 manager.

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1       8.   Section 7651.5 of the Code states:

2       The bureau shall investigate the qualifications of the applicants. Except as otherwise  
3   prescribed in this article, it may issue the license applied for to an applicant on a showing  
4   satisfactory to it that the following facts exist:

5       (a) The applicant is properly qualified to perform the duties of a cemetery broker or  
6   salesperson.

7       (b) Granting the license will not be against public interest.

8       (c) The applicant intends actively and in good faith to carry on the business of a cemetery  
9   broker or a cemetery salesperson.

10      (d) In the case of a corporate applicant, the articles of incorporation permit it to act as a  
11   cemetery broker.

12      (e) In the case of an association or copartnership applying for such a license, its articles of  
13   association or agreement of partnership authorize it to act as a cemetery broker.

14      (f) The license is not being secured for the purpose of permitting the applicant to advertise  
15   as a cemetery broker or salesperson without actually engaging in such business.

16      (g) The applicant has not committed acts or crimes constituting grounds for denial of  
17   licensure under Section 480.

18      9.   Section 7691 of the Code states:

19      Conviction of a crime substantially related to the qualifications, functions and duties of the  
20   license holder in question constitutes a ground for disciplinary action. The record of conviction,  
21   or a certified copy thereof, shall be conclusive evidence of such conviction.

22      10.   Section 7709 of the Code states:

23      A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to  
24   be a conviction within the meaning of this article. The bureau may order the license suspended or  
25   revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment  
26   of conviction has been affirmed on appeal or when an order granting probation is made  
27   suspending the imposition of sentence, irrespective of a subsequent order under the provisions of  
28   Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter

1 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information  
2 or indictment.

3 11. Section 7711.3 of the Code states:

4 The bureau may suspend or revoke the license of any cemetery licensee who, within the  
5 immediately preceding three years, has done any of the following:

6 (a) Been convicted of a crime substantially related to the qualifications, functions, and  
7 duties of such licensee. The record of conviction, or a certified copy thereof, shall be conclusive  
8 evidence of such conviction.

9 (b) Knowingly authorized, directed, connived at, or aided in the publication, advertisement,  
10 distribution, or circulation of any material false statement or representation concerning his or her  
11 business or any cemetery property offered for sale.

12 (c) Willfully disregarded or violated any of the provisions of this act relating to cemetery  
13 brokerage.

14 (d) Acted or conducted himself or herself in a manner which would have warranted the  
15 denial of his or her application for a cemetery license, or for a renewal thereof.

16 12. California Code of Regulations, Title 16, section 2330, states:

17 For the purposes of denial, suspension or revocation of a license pursuant to Division 1.5  
18 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially  
19 related to the qualifications, functions or duties of a cemetery broker or salesperson if to a  
20 substantial degree it evidences present or potential unfitness of a cemetery broker or salesperson  
21 to perform the functions authorized by his or her license in a manner consistent with the public  
22 health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving  
23 the following:

24 (a) Conviction of a crime involving fiscal dishonesty.

25 (b) Any violation of the provisions of Chapter 19, Division 3 of the Code.

26 13. California Code of Regulations, Title 16, section 2331, states:

27 (a) When considering the denial of a license under Section 480 of the Code, the bureau, in  
28 evaluating the rehabilitation of the applicant and his or her present eligibility for a license, will

1 consider the following criteria:

2 (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for  
3 denial.

4 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under  
5 consideration as grounds for denial which also could be considered as grounds for denial under  
6 Section 480 of the Code.

7 (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in  
8 subdivisions (1) and (2).

9 (4) The extent to which the applicant has complied with any terms of parole, probation,  
10 restitution, or any other sanctions lawfully imposed against the applicant.

11 (5) Evidence, if any, of rehabilitation submitted by the applicant.

12 (b) When considering the suspension or revocation of a license on the ground that a  
13 cemetery broker or salesperson has been convicted of a crime, the bureau, in evaluating the  
14 rehabilitation of such person and his or her eligibility for a license, will consider the following  
15 criteria:

16 (1) Nature and severity of the act(s) or offense(s).

17 (2) Total criminal record.

18 (3) The time that has elapsed since commission of the act(s) or offense(s).

19 (4) Whether the licensee has complied with any terms of parole, probation, restitution or  
20 any other sanctions lawfully imposed against the licensee.

21 (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the  
22 Penal Code.

23 (6) Evidence, if any, of rehabilitation submitted by the licensee.

24 (c) When considering a petition for reinstatement of a license under the provisions of  
25 Section 11522 of the Government Code, the bureau shall evaluate evidence of rehabilitation  
26 submitted by the petitioner considering those criteria specified in subsection (a).

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 (Criminal Conviction)

3 14. Respondent's application is subject to denial under Code sections 480(a)(1),  
4 480(a)(3)(A), 490(a) and 9727(a), in that Respondent has been convicted of a crime substantially  
5 related to the qualifications, functions and duties of a licensee. The circumstances are as follows:

6 15. On or about January 22, 2014, in Santa Clara Superior Court case number C1363035,  
7 Respondent was convicted of having violated California Penal Code section 484 (petty theft).  
8 The conviction was based on an incident that occurred on or about July 3, 2013, during which  
9 Respondent committed theft at a Home Depot store. At the time of her arrest, Respondent  
10 admitted that she had stolen items from Home Depot on multiple other occasions amounting to a  
11 value of about \$300.00.

12 **SECOND CAUSE FOR DENIAL OF APPLICATION**

13 (Acts of Dishonesty)

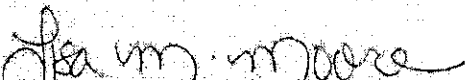
14 16. Respondent's application is subject to denial under Code sections 480(a), subsections  
15 (2) and (3), in that she has committed acts involving dishonesty, fraud or deceit with the intent to  
16 substantially benefit himself or herself or another, or substantially injure another, as set forth in  
17 paragraph 14.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
20 and that following the hearing, the Director of Consumer Affairs issue a decision:

- 21 1. Denying the application of Jeannie TingLew for a Cemetery Salesperson license;  
22 2. Taking such other and further action as deemed necessary and proper.

23  
24 DATED: May 9, 2018



25 LISA M. MOORE  
26 Bureau Chief  
27 Cemetery and Funeral Bureau  
28 Department of Consumer Affairs  
State of California  
Complainant